

BOISE, TUESDAY, OCTOBER 14, 2008, AT 9:00 A.M.

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 33949

STATE OF IDAHO,)
)
Plaintiff-Respondent,)
)
v.)
)
PATRICK ALLEN KARPACH,)
)
Defendant-Appellant.)
_____)

Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Thomas F. Neville, District Judge.

John Meienhofer, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Jennifer E. Birken, Deputy Attorney General, Boise, for respondent.

Patrick Allen Karpach received a black “Big Smith” brand hooded sweatshirt and a pair of coveralls from his sister-in-law for Christmas, which she had purchased at Home Depot. Several days later, Karpach entered the Home Depot store on Milwaukee in Boise through the entrance near the professional contractors’ desk. Several Home Depot employees testified at trial that Karpach proceeded to a display of Big Smith clothing where he selected two items of clothing--a black hooded sweatshirt and a pair of coveralls--and walked back towards the door where he came in. He exited the store without paying for the items and re-entered near the returns desk where he returned the clothing in exchange for store credit. He was then confronted in the parking lot by several Home Depot employees, and Boise police officers called to the scene arrested him, finding brass knuckles in his pocket. At trial, Karpach maintained that he simply returned the items given to him for Christmas. The jury found him guilty of burglary, petit theft, and concealing a dangerous weapon. After denying Karpach’s motion for a new trial, the district court entered a judgment of conviction. Karpach appeals, arguing that the court erroneously excluded rebuttal evidence and that there was insufficient evidence to convict him of burglary and theft.

BOISE, TUESDAY, OCTOBER 14, 2008, AT 10:30 A.M.

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 34864

STATE OF IDAHO,)
)
Plaintiff-Respondent,)
)
v.)
)
RODNEY DEAN PRECHT,)
)
Defendant-Appellant.)
<hr/>)

Appeal from the District Court of the Third Judicial District, State of Idaho, Canyon County. Hon. Juneal C. Kerrick, District Judge. Hon. Frank P. Kotyk, Magistrate.

Wiebe & Fouser, Canyon County Public Defender; Thomas A. Sullivan, Deputy Public Defender, Caldwell, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Ann Wilkinson, Deputy Attorney General, Boise, for respondent.

Rodney Precht appeals from the district court's appellate decision affirming the magistrate's judgment of conviction for misdemeanor driving under the influence of alcohol. Precht contends that the magistrate erred by admitting into evidence a videotape of his vulgar statements to police and that certain statements made by the prosecutor during closing argument amounted to prosecutorial misconduct.

BOISE, TUESDAY, OCTOBER 14, 2008, AT 1:30 P.M.

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 34775

FREDERICK EARL LAWRENCE, and)
SAM HOPKINS, Trustee in Bankruptcy,)
)
Plaintiffs-Appellants-Cross)
Respondents,)
)
v.)
)
KEITH E. HUTCHINSON,)
)
Defendant-Respondent-Cross)
Appellant.)
)

Appeal from the District Court of the Fifth Judicial District, State of Idaho, Twin Falls County. Hon. Randy J. Stoker, District Judge.

Lowell N. Hawkes, CHTD, Pocatello, for appellant.

Benoit, Alexander, Harwood, High & Valdez, L.L.P.; Robert M. Harwood, Ketchum, for respondent.

Fred Earl Lawrence was involved in a car accident in 1996. Just prior to the expiration of the statute of limitations, he employed Eric R. Clark to represent him in a suit to recover his medical costs arising from that accident. Keith E. Hutchinson was substituted as counsel of record after Clark left the firm. Hutchinson eventually withdrew from the case. Lawrence was unable to hire another attorney, and the case was dismissed for failure to name the other driver.

Lawrence sued Clark and Hutchinson for malpractice. The trial date in the district court was vacated, while the parties pursued settlement negotiations. Negotiations eventually broke down, and Hutchinson moved for summary judgment in the malpractice action. Despite Lawrence's claim that they had an enforceable settlement agreement, the district court dismissed the malpractice case against Hutchinson.

Lawrence brought a subsequent suit to enforce the settlement agreement against Hutchinson. Both parties moved for summary judgment. The district court granted summary judgment in favor of Hutchinson, finding that there was no meeting of the minds on all material terms, and therefore there was no enforceable contract. Hutchinson moved for an award of costs and attorney fees as the prevailing party, which the district court denied. Both parties appeal.

BOISE, TUESDAY, OCTOBER 14, 2008, AT 3:00 P.M.

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 32111

STATE OF IDAHO,)
)
Plaintiff-Respondent,)
)
v.)
)
DAWN LENORE SCHULTZ,)
)
Defendant-Appellant.)
_____)

Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Cheri C. Copsey, District Judge.

Molly J. Huskey, State Appellate Public Defender; Eric D. Fredericksen, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Ann Wilkinson, Deputy Attorney General, Boise, for respondent.

Dawn Lenore Schultz appeals from the district court's order of restitution entered following her convictions for two counts of grand theft and four counts of forgery. She contends that certain amounts of restitution were for criminal conduct that had not been adjudicated at trial and thus were improperly awarded.